

## **REMARKS**

Applicant is in receipt of the Office Action of October 18, 2004. Claims 33, 45, and 56-58 have been amended to correct certain informalities. Claims 1-58 remain pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Responsive to the Office Action of October 18, 2004, Applicant elects with traverse Group I, best illustrated by claims 1-44, and 46-58, but considers the restriction to be improper, as discussed below.

Claim 1 recites:

1. (Original) A computer-implemented method for locating regions of a target image that match a template image with respect to color and pattern information, the method comprising:

performing a color matching search through the target image in order to find one or more color match candidate regions, wherein the one or more color match candidate regions match the template image with respect to color information;

performing a luminance pattern matching search in the one or more color match candidate regions in order to find one or more luminance pattern match candidate regions in the target image; and

calculating a hue pattern matching score for the one or more luminance pattern match candidate regions;

wherein the hue pattern matching score is useable in determining regions of the target image that match the template image with respect to color information.

Amended claim 45 recites:

45. A system for locating regions of a target image that match a template image with respect to color and pattern information, the system comprising:

a processor;

a memory medium coupled to the processor, wherein the memory medium stores color / pattern matching software;

wherein the processor is operable to execute the color / pattern matching software to:

perform a color matching search through the target image in order to find one or more color match candidate regions, wherein the one or more color match candidate regions match the template image with respect to color information;

perform a luminance pattern matching search in the one or more color match candidate regions in order to find one or more luminance pattern match candidate regions in the target image; and

calculate a hue pattern match score for the one or more luminance pattern match candidate regions; and

wherein the hue pattern match score is useable in determining regions of the target image that match the template image with respect to color and pattern information.

Applicant submits that claim 45 represents a (computer) system operable to perform the method of claim 1, and notes that the method of claim 1 is denoted as a “computer-implemented” method. Applicant further notes that:

Claim 1 is directed to “A computer-implemented method *for locating regions of a target image that match a template image with respect to color and pattern information*”.

Claim 45 is directed to “A system *for locating regions of a target image that match a template image with respect to color and pattern information*”.

Moreover, Applicant notes that other than the inclusion of a processor and memory medium storing software, the listed limitations of claim 1 and claim 45 are substantially identical. The Examiner asserts that claims 1-44 and 46-58 are drawn to template matching, while claim 45 is drawn to image storage or retrieval. However, the limitations of claims 1 and 45 with respect to both template matching and image storage or retrieval are substantially identical, and thus Applicant submits that the Examiner’s basis for asserting patentable distinction between claims 1 and 45 is invalid. Applicant thus submits that the Restriction is improper. Applicant respectfully requests that the Examiner withdraw the restriction.

## CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the office action in full reconsideration. A favorable reaction is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-59400/JCH.

Respectfully submitted,



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